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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,252

03/30/2004

Rutvik Doshi

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7590

08/06/2009

BAKER BOTTS L.L.P.

2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2445

NOTIFICATION DATE

DELIVERY MODE

08/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/813,252	Applicant(s) DOSHI ET AL.	
	Examiner MELVIN H. POLLACK	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 May 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

3. The original art rejections have been withdrawn in light of the amendment and remarks.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddy et al. (7,062,540) in view of Linderman (7,136,913).

6. For claims 1, 5, 9, Reddy teaches a method and system (abstract) for management and configuration of remote agents (col. 1, line 1 – col. 3, line 40; col. 9, lines 5-10), comprising:

a. Using a management device (Fig. 2, #20) to provide at least one web service (Fig. 2; col. 3, line 65 – col. 4, line 65);

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- b. Providing an agent metadata service on each of a plurality of remote agents (col. 3, lines 40-65; col. 5, lines 8-55), each of the plurality of remote agents (Fig. 2, #72) separated from the management device by a firewall (Fig. 2, #50), each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters (col. 5, line 55 – col. 6, line 59);
 - c. Receiving, by the at least one web service, the agent metadata from the plurality of remote agents (col. 7, line 35 – col. 8, line 35); and
 - d. Detecting, by the at least one web service, at least one remote agent on a network based on the agent metadata (col. 6, line 59 – col. 7, line 35); and
 - e. Performing at least one of managing and configuring the at least one remote agent based on the at least one web service (col. 6, lines 15-35).
7. Reddy does not expressly disclose managing and configuring through a firewall or transmitting metadata through the firewall. Linderman teaches a method and system (abstract) for managing and configuring remote agents (col. 1, line 1 – col. 4, line 40; col. 7, lines 20 - 25) by using web services and agent metadata (col. 4, line 40 – col. 6, line 15), such that metadata is transmitted through the firewall to manage and configure the agent remote to the management device (col. 6, line 65 – col. 7, line 20). At the time the invention was made, one of ordinary skill in the art would have added Linderman in order to better handle distributed object protocols through a firewall (col. 2, lines 45-55).
8. For claims 2, 6, 10, Reddy teaches that the at least one remote agent comprises a web service based management interface, wherein the web service based management interface

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allows a manager to remotely examine and configure the at least one remote agent (col. 4, lines 30-60).

9. For claims 3, 7, 11, Reddy teaches that the manager remotely examines and configures the at least one remote agent through a central management console (col. 8, line 20 – col. 9, line 5).

10. For claims 4, 8, 12, Reddy teaches that the at least one remote agent is configured to run across a firewall, a proxy server, and/or a virtual private network (col. 4, lines 15-30; col. 8, lines 15-20).

11. For claims 13-15, Reddy teaches receiving at least one unsolicited alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent (col. 6, lines 15-30; col. 8, lines 5-35).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melvin H Pollack/
Examiner, Art Unit 2445
01 August 2009